THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21680 of 2006

Dated:28.12.2006

Between
M.Adilakshamma

.....Petitioner

and

1.The State of AP., rep., by its
Joint Collector, Ongole, Prakasam
District and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21680 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings in RC.CS2/1390/2006 dated 7.7.2006 issued by the 1st respondent while disposing of the appeal directing the 2nd respondent to conclude the disciplinary proceedings after conducting due enquiry, as arbitrary and illegal.

It appears that the petitioner is the fair price shop dealer of Venkatapurm Village, Addanki Mandal, Prakasam District. While so, his authorization was suspended on 18.4.2006 by the 2nd respondent-Revenue Divisional Officer, Ongole, for certain irregularities purported to have been committed by him. Aggrieved by the same, the petitioner filed a statutory appeal before the 1st respondent-Joint Collector, Prakasam District,

Ongole. On 7.7.2006, the 1st respondent though passed an elaborate order, but ultimately, simply concluded that " on perusal of records, it is seen that the order of suspension was issued on 18.4.2006 and disciplinary proceedings are not completed till today. Therefore, the petition is disposed of with a direction to the Revenue Divisional Officer, Ongole to conclude the disciplinary proceedings after conducting due enquiry as is deemed fit within a period of 4 weeks from receipt of the order". Aggrieved by the same, the present writ petition is filed.

While admitting the writ petition on 30.10.2006, this Court by an interim order directed the respondents to continue the petitioner as fair price shop dealer by suspending the proceedings of the 2nd respondent dated 18.4.2006.

Now, a counter and vacate stay petition have been filed by the respondents. In the counter, the respondents have denied the allegations made by the petitioner and further asserted that the enquiry as directed by the Joint Collector was concluded.

However, in view of the interim order passed by this Court, final orders have not been passed. In fact, there is no embargo for passing final orders by the respondent-authorities.

In view of the above, the respondents are directed to pass final orders and till such time, the petitioner shall be permitted to distribute the essential commodities among the card holders.

Writ petition is disposed of accordingly. No costs.

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28-12-2006

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